

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
March 23, 2007
DES Conference Room
9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Wendell Berry
Jennifer Czysz
Mark Gallagher
Mark Hemmerlein
Marsha LaVallee Huntoon
Ken Jordan
Fred Murphy
Phil O'Brien
Larry Sunderland
Rich Tichko
Michele L. Tremblay
Ken P. Wilson

Representing:

Scientific Community, UNH
NH Business and Industry Assn
Office of Energy & Planning
Commissioner, DOS
Commissioner, DOT
Conservation Commissions
NH Association of Realtors
Planning Board
NH Lakes Association
Conservation Community
Exec. Dir., Fish & Game Dept.
State Conservation Committee
NH Marine Dealers Association

Term:

August 22, 2007
July 8, 2007
Indefinite
Indefinite
Indefinite
August 22, 2007
June 27, 2008
August 1, 2008
August 1, 2009
September 19, 2007
Indefinite
August 1, 2009
August 22, 2008

Members not present:

Mitchell E. Kalter
Johanna Lyons
James S. Morash, Vice Chair
Vacant
Vacant

NH Fish & Game Commission
Commissioner, DRED
Tourism Industry
Elected Municipal Official
Commissioner, Dept. of Agr., Markets & Food

August 22, 2009
Indefinite
August 1, 2007
Expired
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Jody Connor
Darlene Forst
Paul Currier
Paul Susca
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau (WMB)
Asst. Planner, WMB
Director, Limnology Center, WMB
Shoreline Section Supervisor, Wetlands Bureau
Administrator, WMB
Water Supply Protection
Admin. Asst., Water Division

Guests

Derek Durbin
NH Lakes Association

The Meeting Was Called to Order

- **As Jim Haney, Chair, was still in route, Jacquie called the meeting to order at 9:35 a.m.**

I. Introductions/Minutes/Committee Business

- 1) Minutes were addressed later when the Chairman arrived.
- 2) Committee Business:
Travel vouchers were completed by those who qualify for reimbursement. Jim Haney's and Jim Morash's terms will expire in August and they need to start the reappointment process if they wish to continue to serve on the LMAC.

- 3) First Annual NH Water Conference
To be held on April 9th at the Grappone Center with a focus on sustainability. Governor Lynch will be speaking during lunch.
- 4) Next meeting will be April 27, 2007.
- 5) Future Agenda Items:
 - a. Public Trust – Will try to have Jennifer Patterson from the Attorney General's Office speak to the LMAC.
 - b. Sustainability Initiative – to be discussed later on under that portion of the agenda.
 - c. Water Quality Standards Advisory Committee Update – this group is looking at the existing water quality standards in the state and developing recommendations for the administrative rules. Jacquie will ask Paul Currier and Andy Chapman to give a presentation on the watershed modeling – AVGWLF, at the next meeting.
 - d. AVGWLF (Generalized Watershed Loading Function with an Arc-View Geographic Information Systems Interface) – Penn State University has developed a model that estimates nutrient loading from watersheds. Jody Connor noted that AVGWLF is being used on Perkins Pond in Sunapee.
 - e. Study of the Economic Value of NH Lakes, Rivers, Streams, and Ponds – the study is complete and a draft of the fourth and final phase of this study is done. This initially started in 2000-2001. Phase I looked at the literature review and bibliography research, Phase II was determining the economic value of five uses of our lakes, rivers, streams and ponds, those uses being fishing, swimming, boating, water bodies as drinking water supplies, and what they provide to the state in property taxes. Phase III involved a phone survey conducted by UNH. Phase IV was surveying people at 75 randomly selected access sites across the state asking particular questions. It is now in peer review and Jacquie would like to present the project to the LMAC in the next few months. The NH Lakes Association and the NH Rivers Council will be getting this information to the legislators. This has been a good collaborative effort and has good primary data.
 - f. Global Lake Ecological Observatory Network (GLEON) program. There will be a special buoy on Lake Sunapee to continuously measure various lake parameters in the water column, not just the surface. This is sent back electronically to a laptop. The Lake Sunapee Protective Association is building a buoy at Dartmouth which should be in place this summer. Phil O. suggested a report be given on this sometime in the fall. It has been worked out with the Marine Patrol so that the location of the buoy won't be an issue.

Jim Haney arrives at 9:52

- **Michele L. Tremblay made a motion to approve the February minutes, seconded by Phil O'Brien. Michele L. Tremblay asked that the "L" be added back into her name. Vote was unanimous with 3 abstentions.**
- 5) State Agency/Member Updates:

Jacquie/DES:
Jacquie reported that the class 50 money, used for part-time staff and interns, in the DES budget is being cut. This means that Laura Hayes will be leaving and there will be no summer interns. Both the Rivers and Lakes Programs and projects will be affected.

 - **Michele L. Tremblay made a motion to send a letter to House Finance to encourage class 50 money to be reinstated, second by Phil O'Brien. Vote carried with one nay.**

Letter is to be drafted by Jacquie and Laura, to be reviewed by some committee members and taken to Paul Currier, Harry Stewart and the Commissioner before going to the House Finance Committee. It was suggested that the letter list the committee members and who they represent so it is seen as coming from a diverse group.

Rich Tichko/Fish & Game Department:

Fish and Game is close to signing the MOU with the NH Lakes Association concerning the Lakes Host program for education and outreach at their access sites. Michele T. asked if this is a match program with earmarks as they may be cut.

Jim H. asked if there was a plan for any new access points on any lakes this year. Rich reported Pleasant Lake in Deerfield is having work done now, work will start on Manning Lake in Gilmanton, and the rest is basically repairs. They are also working on experimental ice damage technologies on boat ramps. The project in Sunapee is on a moratorium.

Jennifer Czysz/CORD:

At their last meeting CORD approved the new Surplus Land Request form. Further comments are being asked as people use the new form.

Jody Connor/DES:

Jody noted that the Watershed Ordinance passed at the Deerfield town meeting. Mountain Lakes in Haverhill also passed. Loudon and Sutton are still waiting for their town meetings to be held. This ordinance works on set-backs and the Shoreland Protection Act for the entire watershed around their lake. Enforcement goes through the Planning Board of each town.

Darlene Forst/Wetlands:

- The In-Lieu-Fee process now has a formula for a fee on projects where mitigation really isn't feasible. This is more of a watershed approach. The funds must be used within the same watershed they were originated.
- They have also cut back on interns and new part-time positions. There will be no shoreland compliance program on the water this summer.
- There will be legislation this year to increase wetland fines added on to another bill. This change will make the Wetlands Bureau fully funded by fees.
- It looks like there will be a shoreland permit this year, HB 663.
- The Water Street permit has been issued for the Winnisquam boat ramp. The deadline for appeal is by close of business on Monday, March 26, 2007. If it clears appeals it should go on the April 4th Governor and Council agenda as a late item.
- With the class 50 budget cuts enforcement becomes more difficult. General questions from the community will be cut as outreach is cut back. There are 6 intern positions that will not be filled. Overtime is also limited and most personnel are currently at maximum.

For Jody's staff the following positions are affected by the class 50 cuts: boat inspections, public beach inspections, and pool inspections.

Darlene stated that by law they have to review and issue a decision on an application in a certain time frame. If the time frame is missed, the project is automatically approved. Their first priority is to meet those deadlines, then enforcement, and third is outreach.

Michele T. mentioned that SB 197 or 179, has ramifications to lakes, which proposes to tax any non-resident land owner at double the rate. This bill should be tracked, since it could impact families and property turnover with possible additional density.

II. Strategic Plan/"Sustainability Initiative" Subcommittee Update

1) Review discussions/presentations/papers from Dec., Jan., and Feb.

A four page narrative written by Paul Currier was distributed that encapsulates the discussions the LMAC has had and what is proposed with the sustainability initiative. See the powerpoint notes, Attachment A, outlining what has occurred up to this time that Jacquie composed.

Phil noted we should use the model to guide thinking but that it would not produce answers that would be presented to the public. It has futuristic value, but the model would not solve the problem.

Mark H. noted that Lake Tahoe, a rural area, and Seattle, an urban area, have good plans and regulations.

Jim H. shared that Lake Tahoe used a simple secchi disc measurement, which was measurable and quantifiable as their criteria. They set a goal and the number of years needed to achieve that goal. In Paul's definition of sustainability – what is 'reasonable'? In the first step – what are we really setting out to do? If we want to maintain our water quality in some way, let's put a number on it so there is a goal. He referred to Governor Lynch's statement and modified it - to leave our lakes in the shape we have them now. So we need to be able to state where they are now.

Mark H. also brought up the scale issue, what activities can be done at different scales. Watershed, sub-catchment areas, parcel level activities, and broader to within 250' of the lake for example through regulations, legislations, etc.

Jacque asked the Committee to read Paul's paper with the goal of an actionable item. Agree to the accuracy, something that should be done, and then suggest to the Commissioner and Governor an actual statement, a resolution. Ideally both the LMAC and the RMAC sub-committee will put this resolution together stating, whereas we have arrived at these understandings, and hereby suggest moving forward with the sustainability initiative. If it could be done by Earth Day, April 22, the Governor could announce it at an event and that would work very nicely.

Jim H. asked for comments and discussion on the paper. Paul's paper will be shared with the RMAC at their next meeting on Tuesday. This would be the white paper and the committee would develop the resolution that would be presented to the Commissioner and Governor to move forward with the sustainability initiative.

Michele T. would like to be specific about who is agreeing to this. She also asked about "anti-degradation" and making sure those on the 303-d list are upgraded before considered the level at which they want to be maintained.

Jacque noted that anti-degradation is a policy that is set forth by the federal government in the Clean Water Act. We have to implement it in our administrative rules as an agency and that is why there is a footnote. Paul wants to incorporate this concept into the paper.

Mark H. stated that anti-degradation is really nebulous and hard to pin down. We need a tangible target in this document.

Fred M. asked what is going to be our first target under the sustainability initiative? To find the indicators of what we're dealing with then pursue the goals and measures of what needs to be done, including finances, legislation, laws, public input, and other related studies. There is no easy definition with many varying factors.

Bud B. noted the term 'carrying capacity' implies limits. Is there a place for real limits in what we're talking about here? Or is the real goal to try to avoid real limits.

Fred said that right now we're looking at the intensity of human use and the limits are for the future.

Mark H. suggested taking out the emotional part by using a model that uses a scientific level of measurement that defines sustainability, such as water quality, clarity, and amount of fish in a lake. Then, we recommend to the legislature what laws should be enacted to protect those levels.

Mark G. agreed with Jim H. that if you use the term "sustainability" the limits are going to come sooner than if you use the term "carry capacity". We still don't have a clear, universal concept of what public trust is.

Rich T. then asked how is that burden of public trust shared? How is the resource allocated out? Do those who have waterfront property entitled to a larger share?

Larry noted that there was nothing said about residential development and it is important. Shorefront or watershed development should be considered.

Jennifer C. noted that we automatically presume residential development, but it should be the full range of uses.

Mark H. says it's the 'run-off' as a whole, which is getting addressed under conceptual task 1. There are also viewsheds, noise levels, and other things.

Bud stated that Vermont has attempted to do that with their 4 classes of lakes. This is the condition now, this is what we want to maintain. Different action items will be set for the different groups of lakes. Decisions that affect our lakes are currently being dealt with ad-hoc and not by plan.

Paul Susca noted the 2 major components here to defining sustainability are:

- 1) the things you can measure, the physical, chemical, and biological characteristics and
- 2) the experience of crowding, development of the watershed, what the viewsheds look like.

System Dynamics does address both types of factors and the idea of limits is implicit in both the term carrying capacity and the use of this model. The whole idea is to understand how the different uses and activities affect one another. The model will assign some value to the things that can't be measured, but the idea is to understand that an increase in this activity will have a certain kind of effect on another factor.

Mark H. asked if we could get in trouble defining that factor. This is where the arguments come in. Different sectors of society place different values on different activities. How can this be done?

Jim H. said Vermont tried sociological studies but numbers are representative of a range. There are problems with this approach, but what are the alternatives? We think that something needs to be done. A model could be helpful but it will have inherent weaknesses, it is not 'the answer'. At some stage the points discussed are going to be major debates and meetings. What are the most serious deficits of what we have here that need to be addressed right now? Is this the right direction we want to go in? Is this concept of sustainability with tweaking the definition a way to go? Do we want to avoid the question, the concept of carrying capacity entirely or do we want to leave that in? Can we come to an agreement generally and then specifically identify the issues, aside from the word smithing? Are there issues that need to be included or dropped from this, such as carrying capacity?

Phil O. made two points: 1) what other measures could be used for things that are not easily measured and 2) the scale at which all those things are looked at makes a difference depending on what size of lake, large vs. small watershed we are looking at. Starting with a simple construct it might be more doable to look at a small watershed, rather than having such a heavy formula that overwhelms us with exceptions. Simplicity is the way to go.

Mark H. said it is a lot easier to do something simple a thousand times, than to do something complicated a thousand times.

Michele T. asked what about the elements and process, what stays and what goes relative to the effort that this is going to need?

Jacquie pointed out on "Next steps, page 5", number 3 says "secure funding for facilitation and documentation of the initiative". She would like to see some additional funding to contract this work instead of shifting current priorities.

Michele T. responded if the RMAC and the LMAC agree to this Jacquie will need time to devote to this, and with the budget cuts, it needs to be discussed – what portion of the program would be affected and what would need to be pushed to the back burner to make room for this. We need to make sure expectations are clear from the beginning.

Michele T. if something big gets dropped and somebody finds out later it's best they know in the beginning.

Jim H. wants to build in the idea that with lakes, we can't approach this as a one-size fits all. The parallels between the health of lakes and human health are surprising. Both are systems and both have interactive

parts that have a certain integrity that they have to keep, but it's interesting that often the state or federal government looks at lakes in the way that they look at human health. They look at epidemics, the general condition, but what people are really concerned about is their own health. With patients you treat them one by one; you don't say well we treated a population. It's the same way here, when lakes are looked at with carrying capacity it's going to be a lake by lake decision. What that means is we have to understand the condition of each lake to do that. We have to know which lakes are sensitive, what is the carrying capacity of this type of lake? Data has been collected by the state and outside agencies to initiate some work that would try to address this. We haven't totally analyzed how our lakes function. We need to get a grasp on that. In this process we're going to be asking those types of questions. Do we want to classify the lakes on visitor impact or on sensitivity for example?

Mark H. said that should be part of the analysis. When we start feeding these metrics into this, the average depth of lake, size of watershed, imperviousness of watershed, etc. we should be careful of the quality of data going in.

Jim H. implied that the model can be sensitive to this.

Rich T. asked what are the automatic parameters that will be automatically checked. What do we need to determine as base-line measurable standards that we will identify that can be applied to the whole gamut of lakes? What is the first indicator?

Mark H. That's your sensitivity analysis. We feed all the information in and it tells us what kind of lake it is, and then other questions can be answered.

Jim H. responded it has to be in careful and qualified hands. It's better than not knowing it.

Rich T. emphasized we have to know the basic blueprint. Until we know what the state views as the public trust and what it is suppose to provide, as a baseline, we cannot move forward. We need to get the AG's office here to say, "From the state's perspective, this is where you need to start working from". We need to know this - it is the litmus test.

Fred M. asked does the public trust define the fact that the public can use it?

Mark G. said it's an elusive concept right now, with no common understanding of what it means. This undertaking is huge but the process will go more smoothly if there is a common understanding and a universal understanding of public trust. There will be conflict trying to bring all of these different interests together and get them to all agree to what is happening. We should be able to point to the public trust to explain why we have to do it this way, or this is why you have to weigh this against that.

Jim H. pointed out that when the presentation was given by the AG's office, one of the messages was that there was not a clear definition of what public trust is, since it needs to be determined by the courts.

Mark G. said there's not a lot of case law on it right now. The concept of public trust has more room to define. It needs to be a state concept, with the purpose of defining public trust.

Rich T. stated that the general court creates legislation, the job of the attorney general's office is to interpret that legislation. They are the ones to take the concept of public trust and interpret it for the state. They have to say what it means and then work from there out.

Jim H. suggests getting our request into the AG's office very soon.

Phil O. asked if the initial purpose of public trust is to simply establish the state's authority over these bodies of water?

Mark G. it was for that purpose but it also goes further than that. For what purpose(s) does the state have authority over these public waters? Everyone has their own concept of how they would like to enjoy those public waters. When we start getting into capacities, or degradation of water quality you have to start to balance things within that public trust. What decisions do you make that serve the larger public good?

There are other concepts out there about public trust. It would be helpful if the legislators had that common understanding of public trust when they start to review legislation.

Jim H. noted that Allen Brooks explained that the rulings of public trust actually come out of court cases rather than by a decision of the AG's office. That is what establishes the criteria for it. A judgment must be made in a court of law.

Phil O. said the public trust is a principle and then it is tested in the courts. It's an evolving thing.

Rich added that the cases are based on past decisions and law. We must have a basis for what that belief is.

Mark G. there is not a lot of case law in this area. The AG is going to go to her boss and ask, what is our position? It may take a while to get that. This is year's worth of work.

Jacque asked then we aren't ready to go down this road until we have a definition of public trust? If the AG's office would come over again, we could ask, "what would you recommend?" How do we get a definition of public trust?" If they say, it should be in legislation; then as a committee we need to work with the legislature to accomplish this.

Fred M. said the public trust definition will be part of the definition for sustainability. The initial phase will be to collect data and determine water quality.

Phil O. said we should ask the AG what their perspective of public trust is rather than having them tell us about public trust. If they understand where we are coming from they may be able to give us some advice that would be useful.

Mark G. suggested that we illustrate our problem by giving them some examples of when a decision has to be made that has multiple weighted concerns – how do you weigh those? Is the information you need already in the case law that exists? If not, how do you proceed to get the guidance in the understanding of public trust that you need to make the decision?

Laura W. responded when there are multiple perspectives involved, the best approach is getting all of the stakeholders together to hear their different perspectives. The System Dynamics model could use the existing information to determine the impacts each use has on a particular water body. Then, those same stakeholders use a collaborative, consensus-based process to determine the best way to balance all of the identified uses.

Mark H. said we can inform the legislature, that this law will do ..., this is what we expect from the Systems Dynamics model when we use existing information. We can advise the legislature on the best course of action. We can't change how they think, but we can be well informed enough to help them make those decisions. We don't have that information right now. Rules are made on individual lakes and on all lakes at the same time. Having baseline information on the individual lakes and all the lakes in the aggregate, will allow us to make much better decisions and determine where to put our efforts. We are also protecting the majority and minority users. Some lakes can have certain activities, while on other lakes that activity would be detrimental, (i.e. shallow vs. deep lakes). The tool from this initiative will enable us to answer the questions in a more scientific way. The data should justify our legislative actions.

Fred M. suggested that the definition should include economic prosperity, economic importance or significance. He also noted the many economic interests are connected to the water bodies and they should be grafted into this definition (i.e. marine, motor boat, jet ski, etc). There was another definition earlier that included not only human being importance but also the economic importance of the lake.

Jim H. asked then if there is a chance of increasing state revenue, should we compromise the values that are set on the lake?

Fred M. suggests we include the consequences of our decisions in the economic model, and asks what would the consequences of limiting certain uses (i.e., boating, no fast boats) be? We have to look at the big picture.

Phil O. said we should keep the definition as general as possible. The ability to support a variety of human activities seems to include everything and doesn't exclude anything.

Fred mentioned that the committee must recognize what its intent is.

Jacque noted the suggestions relative to this document: word-smithing, further refining the content, defining the process better, make the definitions clearer, establish a time-line, and determine how to proceed. There was hope to have the RMAC consider this at their meeting on Tuesday. It appears that the LMAC wants a lot more work done to this, and also wants to incorporate the discussion of public trust.

Mark G. said you can make a reference to it in there but as far as collecting data, you don't need that to occur before you start collecting data. But before decisions are made you should have a handle on public trust.

Bud commented that the answer we receive from the AG's office may be more nebulous than what we are expecting. What if we went to the Governor's office and asked directly, what is the Governor's office view on public trust relative to this issue?

Fred said it may require us to take a lake, after we've collected enough data, and say this is what we propose – restricted boating, restricted public contact, as a test case. This could happen modeling wise but will be difficult politically.

Jacque recommended that the sub-committee look at this and continue to work on it as soon as possible. With all the possible recommendations they can be compiled and presented to the LMAC at the next meeting. This will be run by the RMAC as a draft as is.

Phil O. read a piece from the NHLA. The tragedy of New Hampshire lakes is something we have to be concerned about.

- **Michele L. Tremblay moved to refer this paper to sub-committee for revision and then be presented at the next meeting, with a second by Bud Berry. Vote was unanimous.**

The subcommittee consists of Phil O., Mitch K., Fred M., Larry S., Jacque, Laura, Steve and Paul. An announcement will be made to the entire committee so that anyone can join the committee meeting.

At 12:10 pm the Committee broke for lunch. The meeting reconvened at 12:22 pm.

III. Update – Earth Day Event

Jacque sent an email to Alice Chamberlin with the following suggestions:

1. Governor announces the creation of a toxic algae task force.
2. Governor showcases the collaboration between Fish and Game, DES, Dept. of Agriculture, Markets, and Food on the use of herbicides to manage exotics.
3. Governor conducts some water quality monitoring and discusses how DES, UNH, PSU, and Fish and Game and hundreds of volunteer monitors collaborate and share the water quality data and how it is used.
4. Governor discusses LCHIP funding for conservation of land to protect lakes.
5. Governor discusses the economic value of our water bodies and what they mean to the state's tourism industry.

This was sent over on March 14th but there has been no response from the Governor's Office.

IV. Legislation

Derek Durbin, NH Lakes Assoc., sent the NHLA legislative tracking report, which was distributed to the Committee. Jacque thanked Larry S. and Laura W. for testifying on behalf of the LMAC on the various bills. She also thanked Jim H., Jim M., Phil O., and Larry S. for reviewing the testimony letters. It has been a busy session thus far.

HB 710: establishing a study commission regarding leasing of state-owned real estate. The bill passed the RR&D with amendments. Derek said the amendment included adding a representative to the commission from the municipal association and DOS, and placed a temporary moratorium on any new leases, excluding renewals that would come forth to the Long Range Capital Planning and Utilization Committee until 2009. It is on the Consent Calendar. Michele T. noted that the State Conservation Committee asked to be added to the list of those represented on the study committee. They weren't included nor was a lease holder. It will be voted on Tuesday, March 27.

HB 722: modifications to the rivers management protection program. The LMAC asked for a minor amendment to the proposed bill, changing the definition of our municipal official to remove the word 'elected'. This has been included and has passed RR&D along with the other items asked for. The municipal official position has been vacant on the LMAC for 10–12 years.

HB 383, 663, 665 & 857: – the four shoreland protection act bills. Testimony was offered on 383, 665, and 857. There have been amendments and Darlene Forst has worked many hours working on these pieces of legislation and revising them as needed. Darlene did a good job of walking the RR&D through the proposed amendments and they complimented her on helping them understand this complex legislation.

Darlene reviewed the following:

1) HB 663 is an appropriation to jump-start the program by funding six additional staff. This bill establishes a permit program with a fee structure. There is an amendment that prior to the commencement of construction, with the exception of DOT or public access projects, a permit is needed. There will be an overlying permitting requirement for all activities within the protected shoreland. There will be a public hearing due to the amendment, which will be Monday at 10 AM, a joint hearing with House Finance and RR&D, and possibly House Ways and Means.

2) HB 665 is the adoption of the NH hydrography data set, which is maintained by GRANIT. It will become effective in April 2008 if passed. Third order streams would be phased in by 2009. The exemption for public roads and public access and the 50' setback is still being worked on.

3) HB 857 will clarify the permitting responsibilities of the Department and the municipalities. It states "No town shall issue a permit, waiver, or variance if that permit, waiver, or variance directly contradicts the Shoreland Protection Act." The exception is the Town of Sunapee as they are the only municipality that is certified. This will be repealed. The language exempting designated rivers has also been repealed, since the Saco and Pemi requested inclusion to the Act as they are the only two designated rivers not included.

4) HB 383 woodland buffer and impervious surface proposal. This bill would require a minimum standard 50' setback in all towns, giving municipalities the option of adopting more stringent standards. The definition of the woodland buffer was clarified and language was added regarding groundcover. The Department's position is the science behind protecting the waterfront buffer is very sound and legitimate. The property rights argument is very sound and legitimate also, but we are the regulator. It is a policy decision that needs to be made at the legislative level.

Jim H. asked about the definition of vegetation. Darlene says there is a prohibition of natural ground cover, including stumps, detritus, rocks, and any vegetation under three feet in height with the exception of lawns, invasive species, and exotic weeds. There is now a provision for the clearing of ground cover with a wetlands permit; there is also language that states DES may consider projects that retain the minimum score within a grid square by planting additional vegetation and removing others. All plantings must be native.

HB 383 passed RR&D with several errors and will need to be amended in the Senate. There is no longer a time frame associated with the woodland buffer; it is now a minimum point calculation.

The impervious surface part of this bill has survived with the following limits 20%, 25% and 30%.

There were several items missing when this bill came back from Legislative Services, but RR&D chose to pass the language as written and work with the Senate to make sure the intent is clear.

Jacque noted that HB 663 is being heard on Monday. At the last meeting, the LMAC voted to support and a letter has been drafted for the hearing. Additional letters of testimony should be drafted when the public hearings are scheduled for the Senate. Jacque again thanked Darlene for her time and work on this. Darlene noted that most of the recommendations from the Shoreland Protection Act Study Commission are moving forward.

Darlene mentioned that the permit by notification for tree cutting, which the LMAC requested be deleted has been removed from the bill.

Jody C. noted that HB 505 relative to enhanced water quality monitoring for lakes and beaches passed the RR&D and is now in Finance. There was a misunderstanding that DES had plenty of volunteers to manage and sample our beaches and another position wasn't needed. So the bill was ITL'ed. The sponsor is going to take it off the Consent Calendar and fight it on the floor. It was suggested that each committee member contact their own House Representative.

- **Phil O'Brien made a motion to submit a letter of support for HB 505 to the sponsor, so that it can be taken to the floor to indicate there is a broad base of support, seconded by Michele L. Tremblay. Vote was unanimous.**

Jody explained that this bill makes our rules more consistent with the RSA. There were some definition changes on what a designated public beach was and what a bathing facility was. It also includes the addition of a position for fresh water public beaches, as there is an inspector for the salt water beaches. The new position would also investigate reported problems to stop the chronic beach closures or beach advisories. General testing will be used to identify the source of the bacteria.

Derek D. noted that both mercury bills have passed, so they are on the Consent Calendar. SB 255 which would require non-motorized vessels to display conservation decals issued by the Fish and Game Dept. has been ruled inexpedient to legislate. HB 847 relative to general rules for operating vessels on water, also referred to as the speed limit bill, was retained by the Transportation Committee until next year.

Mark G. noted that the radar testing is being done on two lakes in areas where it is easier to enforce a speed limit. They are testing the effectiveness of radar on the water with respect to: different types of boats, such as fiberglass as opposed to metal vehicles and non-metal surfaces, different shaped boats, getting an accurate reading on an unstable target, and using an unstable platform for the radar.

Michele T. mentioned that HB 925 – an act relative to state and local taxes, will be watched. If the bill passes it could result in water front turnovers.

IV. Other Items and/or Issues

1) To do assignments:

- a. Call a meeting of the subcommittee.
 - b. Send out Lake Responsibility webpage for committee members to look at. This categorizes and catalogs responsibilities relative to lakes.
 - c. Write a testimony letter for HB 505.
 - d. Write a testimony letter for the Lakes and River Program in regards to the budget.
- **Phil O'Brien made a motion to adjourn with a second by Ken Jordan at 1:20 PM. Vote was unanimous.**